



NOTES ON

ISLAMIC INHERITANCE

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Introduction

Technical Definition: Knowledge of how to divide the estate from a Fiqh and an arithmetic perspective.

“Fiqh perspective”: From this angle, we are trying to answer three questions:

1. Who can inherit?
2. Who cannot inherit?
3. What share does an eligible person inherit?

“Arithmetic perspective”: From this angle, we are dealing with the division of the inheritance from a mathematical perspective utilizing laws of addition, subtraction, multiplication, and division.

For example, Fatimah leaves behind £200 and a daughter and father.

The Fiqh teaches us that the daughter and father both inherit and that the daughter gets a half whilst the father inherits a sixth as his rightful fixed share and the remainder as a residuary.

The Math teaches us that the daughter gets £100 and the father gets £33.33 as a fixed share and £66.67 as residuary.

“The estate”: Transferable and non-transferable wealth left behind by the deceased.

Note that certain rights of the wealth are also capable of being inherited. For example, the right to Khiyar attached to some wealth that is part of the estate.

Benefit of studying this subject: To ensure that everyone gets their rightful share.

Causes of inheritance

They are three:

1. Marital relationship: Established by being in a valid marital contract with the deceased. Therefore, a deceased’s spouse is an inheritor even if the marriage was not consummated.

The evidence is:

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ

“You will inherit half of what your wives leave if they are childless.” [4:12]

وَلَهُنَّ الرُّبُعُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ

“And your wives will inherit one-fourth of what you leave if you are childless.” [4:12]

2. Blood/Familial relationship: Established by having a familial link to the deceased. Only four links are a reason for possibly inheriting.

They are:

- a. Usul: Those whom the deceased stems from. They are the deceased’s parents and his grandparents (excluding his maternal grandfather)
- b. Furu’: Those who stem from the deceased. They are the deceased’s sons, daughters, son’s daughters, and son’s sons.

- c. Hawashi: Those who share the same stem as the deceased. They are the deceased's brothers and sisters (whether full or half), brother's sons (only if it's a full brother or brother who shares the same father)
 - d. A'mam: The paternal uncles of the deceased and their sons. The only paternal uncles considered are those who share the same paternal grandfather as the deceased. Only these uncles' sons are considered as well.
3. Al-Wala': Established by manumitting a slave. Thus, if the manumitted slave dies and leaves behind no family or spouse, the person who manumitted him will inherit.

Al Bukhari said:

حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ، قَالَ حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ

“The Prophet (ﷺ) said, "The Wala' is for the manumitted (of the slave).” Bukhari [6752](#)

Note that not everyone who is a possible inheritor inherits as will become clear later.

Potential male inheritors are 15:

1. Husband
2. Father
3. Son
4. Son's son
5. Full brother
6. Brother from father's side (Consanguine brother)
7. Brother from mother's side (Uterine brother)
8. Son of full brother
9. Son of consanguine brother
10. Paternal grandfather
11. Full paternal uncle
12. Paternal uncle who shares the same father as the deceased's father
13. Son of full paternal uncle
14. Son of paternal uncle who shares the same father as the deceased's father
15. Male Mu'tiq (the one who manumitted the deceased if the deceased was a slave)

Potential female inheritors are 10:

1. Wife
2. Mother
3. Daughter
4. Son's daughter
5. Paternal grandmother
6. Maternal grandmother
7. Full sister
8. Sister from father's side (Consanguine sister)
9. Sister from mother's side (Uterine sister)
10. Female Mu'tiqah (the one who manumitted the deceased if the deceased was a slave)

Impediments to inheritance

There are three descriptions that an inheritor could have that would completely prevent them from inheriting.

They are:

1. Slavery: A slave cannot inherit, nor can he leave behind any inheritance.
2. Killing: Killing someone who you can inherit from, be it deliberate or accidental, excludes you from inheriting from them.
3. Difference in religion: The Muslim does not inherit from a non-Muslim, nor can a non-Muslim inherit from a Muslim.

Pillars and Conditions of inheritance

There are three conditions:

1. Certainty that the one being inherited is deceased.

This certainty is reached through one of three ways:

- a. Two reliable witnesses
 - b. Mass-transmission
 - c. They are observed dying
2. Certainty that the one inheriting is alive after the deceased.
 3. Knowledge of the reason why the one inheriting inherits i.e., what is the link between the inherited and the one inheriting.

There are three pillars:

1. The inherited i.e., the deceased
2. The inheritor i.e., those who inherit from the deceased
3. The estate that is being inherited.

Distribution of the Estate

When a deceased dies, there are three duties that need to be carried out prior to distributing their estate.

1. Pay the funeral and burial expenses
2. Pay the debts of the deceased.

The debts are of two types:

- a. Debts connected to rights of Allah e.g., unpaid Zakah
- b. Debts connected to rights of Mankind. This is of two types:
 - i. Debt connected to the estate itself e.g., collateral debt
 - ii. Debt not connected to the estate e.g., a loan

What if the debts exceed the estate value. How do we divide the estate among the creditors of the deceased?

Let's take a case where Ali died leaving behind £100,000. He owes Mahmoud £60,000. He owes Ahmed £40,000. He owes Musa £80,000.

The total debt he owes is £180,000. But his estate is only £100,000.

How do we divide this estate among the creditors?

We use the formula:

$$x = \frac{\text{What the creditor is owed} \times \text{The Estate}}{\text{The sum of the debts owed}}$$

Thus, Mahmoud will get:

$$\frac{60,000 \times 100,000}{180,000} = £33333.33$$

Thus, Ahmad will get:

$$\frac{40,000 \times 100,000}{180,000} = £22222.22$$

Thus, Musa will get:

$$\frac{80,000 \times 100,000}{180,000} = £44444.44$$

3. Enact out the will of the deceased which cannot exceed a third or be given to a specific inheritor unless express permission is granted by the other inheritors

From the possible inheritors, six are considered primary. This means that, whenever they are found, they will always inherit. They are:

1. The husband
2. The wife
3. The father
4. The mother
5. The son
6. The daughter

There are two types of inheritors:

1. Those who inherit a defined fractional share (Ashab Al Furudh)
2. Those who inherit as residuary (Ashab Al 'Asabah)

Those who inherit a defined fractional share are 13; 4 males and 9 females:

1. Husband
2. Father
3. Paternal grandfather
4. Uterine Brother
5. Wife
6. Mother
7. Paternal grandmother
8. Maternal grandmother
9. Daughter
10. Son's daughter
11. Full sister
12. Consanguine sister
13. Uterine sister

Those who inherit as residuary are 14 in total, all male except one:

1. Son
2. Son's son

3. Father
4. Paternal grandfather
5. Full brother
6. Consanguine brother
7. Son of a full brother
8. Son of a Consanguine brother
9. Full paternal uncle
10. Paternal uncle who shares the same father as the deceased's father
11. Son of a full paternal uncle
12. Son of a paternal uncle who shares the same father as the deceased's father
13. Male Mu'tiq
14. Female Mu'tiqah

Note that the father and paternal grandfather can inherit via a fixed quota/share and as residuary.

Note that some females can also inherit as residuary. They are four:

1. A daughter if a son is present
2. A son's daughter if a son's son is present
3. A full sister if a full brother is present
4. A sister from the father's side if a brother from the father's side is present

The fixed fractional shares are six:

1. Half (النصف)
2. Fourth (الرّبع)
3. Eighth (الثلثين)
4. Third (الثّلاث)
5. Sixth (السدس)
6. Two thirds (الثّلاثان)

Note another fractional share is a Third of what remains from the estate (ثلث الباقي)

The scholars explain the distribution of the estate in two ways:

1. Taking each possible fractional share and mentioning each inheritor that can possibly inherit it.
 2. Taking each possible inheritor and mentioning what share of the inheritance they can potentially get.
- This is the easier method to conceptualize and remember

The Husband

The husband inherits either a half or a fourth.

If his wife, the deceased in this case, leaves behind Furu', the husband gets a fourth.

If not, the husband will always get a half.

The evidence is:

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ

“You will inherit half of what your wives leave if they are childless. But if they have children, then ‘your share is’ one-fourth of the estate” [4:12]

The Wife

The wife inherits either a fourth or an eighth

If her husband, the deceased in this case, leaves behind Furu', the wife gets an eighth.

If not, the wife will always get a fourth.

The evidence is:

وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكَنَّ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَنَّ

“And your wives will inherit one-fourth of what you leave if you are childless. But if you have children, then your wives will receive one-eighth of your estate” [4:12]

The Mother

The mother inherits either a third, a sixth or a third of what remains

She inherits a sixth in one of two cases:

1. The deceased has Furu'
2. The deceased has more than one sibling.

The evidence is:

وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا الشُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ الشُّدُسُ

“Each parent is entitled to one-sixth if you leave offspring. But if you are childless and your parents are the only heirs, then your mother will receive one-third. But if you leave siblings, then your mother will receive one-sixth” [4:11]

If these cases are not found + the issue is not *Al Mas'alah Al Umariyyah*, the mother will inherit a third.

In the special case known as *Al Mas'alah Al Umariyyah*, the mother inherits a third of what remains.

Al Mas'alah Al Umariyyah refers to two cases where Umar b. Al Khattab [d.24AH] judged the mother to receive a third of what remains.

First case: Fatimah died and left behind a husband, father, and mother.

In this case, the husband gets a half, due to there not being any Furu' present. A half remains and the mother is given a third of that whilst the father takes whatever is left as a residuary.

For example, Fatimah died and left behind £300, a husband, father and mother. The husband gets a half which is £150. The mother gets a third of what remains which is £50 and the father takes whatever is left as a residuary which is £100.

Second case: Ali died and left behind a wife, father, and mother. The wife gets a fourth, due to there not being any Furu' present. Three-fourths remain and the mother is given a third of that whilst the father takes whatever is left as a residuary.

For example, Ali died and left behind £400, a wife, father and mother. The wife gets a fourth which is £100. The mother gets a third of what remains which is £100 and the father takes whatever is left as a residuary which is £200.

The father and paternal grandfather

Both inherit a sixth as a fixed share. They also inherit as residuary heirs, and they can also inherit a fixed quota/share + residuary together in a single case.

They inherit a sixth if:

1. The deceased has male Furu' present i.e., son or son's son

They inherit as a residuary if:

1. The deceased has no Furu' present

They inherit as a fixed quota/share + as a residuary if:

1. The deceased has female Furu' present i.e., daughter or son's daughter

Note that if a father and paternal grandfather are found together, the father blocks the grandfather.

The grandmother

The grandmother inherits a sixth as long as she is not blocked.

The maternal grandmother can be blocked only by the mother. The paternal grandmother can be blocked by both the mother and father.

The evidence is:

أن النبي صلى الله عليه وسلم جعل للجدة السدس إذا لم يكن دونها أم

“The Prophet (ﷺ) appointed a sixth to a grandmother if no mother is left to inherit before her.” Abu Dawud

[2895](#)

Note that if there are multiple grandmothers of the same level, they share the sixth between them.

Note that the mother or father that can block the grandmother being mentioned refers to mothers/fathers that lie between the deceased and the blocked grandmother in lineage.

For example, Ali left behind a maternal grandmother, son and a maternal great-grandmother. We say that the grandmother gets a sixth and blocks the great-grandmother whilst the son gets whatever is left

Another example, Ali left behind a maternal grandmother, son and a paternal great-grandmother. Here, the maternal grandmother does not lie in the lineage between the deceased and the paternal great-grandmother. Therefore, both grandmothers inherit a sixth whilst the son gets whatever is left.

Note that in this final example there's a difference of opinion. The other opinion states that we apply the ruling that the closer grandmother to the deceased in lineage blocks the more distant grandmother.

Both views have been explicitly mentioned by Al Shafi'i and relayed from Zayd b. Thabit [d. 45AH].

Note that if a grandmother relates to the deceased through a non-inheritor, for example a deceased's maternal grandfather's mother, she does not inherit since the maternal grandfather does not inherit.

The daughter

The daughter inherits a half or two thirds or as a residuary.

The daughter inherits a half on the condition that:

1. She is alone i.e. no other daughter is present
2. There is no son present

The evidence is:

وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ

“But if there is only one female, her share will be one-half.” [4:11]

The daughter inherits two-thirds on the condition that:

1. There are two or more daughters present
2. There is no son present

The evidence is:

فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ

“If you leave only two 'or more' females, their share is two-thirds of the estate” [4:11]

The daughter inherits as a residuary on the condition that:

1. There is a son present

Note that this case is termed Al Ta'sīb Bil Ghayr (التعصيب بالغير)

The evidence is:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ

“Allah commands you regarding your children: the share of the male will be twice that of the female.” [4:11]

In this case, the share of the son will be twice that of the share of the daughter

The son's daughter

The son's daughter inherits a half or two-thirds or a sixth or as a residuary as long as she is not blocked

The son's daughter is blocked in two cases

1. A son of the deceased is present
2. Two or more daughters of the deceased are present and a son's son is not present

The son's daughter inherits as a residuary if:

1. A son's son is present

Note that this case is termed Al Ta'sīb Bil Ghayr (التعصيب بالغير)

The evidence is:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمُ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ

“Allah commands you regarding your children: the share of the male will be twice that of the female.” [4:11]

In this case, the share of the son's son will be twice that of the share of the son's daughter

The son's daughter inherits a half if:

1. She is alone i.e. no other son's daughter is present
2. The conditions that block a son's daughter or forces her to inherit as a residuary are not present

The evidence is:

وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ

“But if there is only one female, her share will be one-half.” [4:11]

The son's daughter inherits two-thirds if:

1. There are two or more son's daughters present
2. The conditions that block a son's daughter or forces her to inherit as a residuary are not present

The evidence is:

فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ

“If you leave only two 'or more' females, their share is two-thirds of the estate” [4:11]

The mother's children

Note that the mother's children here refer to the uterine brothers and sisters i.e., the deceased and these brothers/sisters share the same mother but not the same father.

The mother's children inherit a sixth or a third if they are not blocked.

The mother's children are blocked in two cases:

1. If the deceased has Furu' present
2. If the deceased has a father or paternal grandfather present

Outside of these cases, the mother's children inherit a sixth if:

1. There is just one of them

The mother's children inherit a third if:

1. there is more than one of them

Note that they share this third equally.

The evidence is:

وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ ۚ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ

“And if a man or a woman leaves neither parents nor children but only a brother or a sister ‘from their mother’s side’, they will each inherit one-sixth, but if they are more than one, they ‘all’ will share one-third of the estate”
[4:12]

The full sister

The full sister inherits a half or two-thirds or as a residuary if she is not blocked.

The full sister is blocked in two cases:

1. A male Far' is present
2. A father is present

The full sister inherits as a residuary in two cases:

1. A full brother is present

In this case, the share of the full brother will be twice that of the share of the full sister.

The evidence is:

وَإِنْ كَانُوا إِخْوَةً رِّجَالًا وَنِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ

“But if the deceased leaves male and female siblings, a male’s share will be equal to that of two females.”
[4:176]

2. A female Far' is present with no male Far' or father present

In this case, the full sister will inherit whatever remains as residuary.

Note that the first case is termed Al Ta'sīb Bil Ghayr (التعصيب بالغير) whereas the second case is termed Al Al Ta'sīb Ma'al Ghayr (التعصيب مع الغير)

The full sister inherits a half if:

1. She is alone i.e. no other full sister is present
2. The conditions that block the full sister or forces her to inherit as a residuary are not found

The evidence is:

إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَلَهُ أُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ

“If a man dies childless and leaves behind a sister, she will inherit one-half of his estate” [4:176]

The full sister inherits two-thirds if:

1. There is more than one full sister
2. The conditions that block the full sister or forces her to inherit as a residuary are not found

The evidence is:

فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ مِمَّا تَرَكَ

“If this person leaves behind two sisters, they together will inherit two-thirds of the estate.” [4:176]

The Consanguine Sister

The consanguine sister inherits a half or two-thirds or a sixth or as a residuary if she is not blocked.

The consanguine sister is blocked in five cases:

1. If a male Far' is present
2. If a father is present
3. If a full brother is present
4. If a full sister along with a daughter or a son's daughter is present
5. If two full sisters are present on the condition that a consanguine brother is not present

The consanguine sister inherits as a residuary in two cases:

1. If a consanguine brother is present and no condition that blocks the consanguine sister is present

In this case, the share of the consanguine brother will be twice that of the share of the consanguine sister.

The evidence is:

وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ

“But if the deceased leaves male and female siblings, a male's share will be equal to that of two females.

[4:176]

2. If a female Far' is present and no condition that blocks the consanguine sister is present. Neither is there a consanguine brother present

In this case, the consanguine sister inherits whatever remains.

Note that the first case is termed *Al Ta'sib Bil Ghayr* (التعصيب بالغير) whereas the second case is termed *Al Ta'sib Ma'al Ghayr* (التعصيب مع الغير)

The consanguine sister inherits a half if:

1. She is alone i.e., no other consanguine sister is present
2. The conditions that block the consanguine sister or force her to inherit as a residuary are not found
3. There is not a single full sister present

The evidence is:

إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَلَهُ أُخْتُ فَلَهَا نِصْفُ مَا تَرَكَ

“If a man dies childless and leaves behind a sister, she will inherit one-half of his estate” [4:176]

The consanguine sister inherits two-thirds if:

1. More than one consanguine sister is present
2. The conditions that block the consanguine sister or force her to inherit as a residuary are not found
3. There is not a single full sister present

The evidence is:

فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلَثَانِ مِمَّا تَرَكَ

“If this person leaves behind two sisters, they together will inherit two-thirds of the estate.” [4:176]

The consanguine sister inherits a sixth if:

1. A single full sister is present
2. The conditions that block the consanguine sister or force her to inherit as a residuary are not found

Note that if there are more than one consanguine sister, they share the sixth between them equally

The Residuary Heirs

The residuary heirs take whatever remains from the estate after those with fixed quotas/shares are given their share.

The residuary heirs can be categorized into four groups:

1. Those who always inherit as residual heirs.
They are the son, son's son, full brother, consanguine brother, son of the full brother, son of the brother from the father's side, full paternal uncle, paternal uncle who shares the same father as the deceased's father, son of the full paternal uncle, son of the paternal uncle who shares the same father as the deceased's father, male Mu'tiq and female Mu'tiqah
2. Those who may inherit a fixed quota/share despite being from the Residuaries. They are the father and the paternal grandfather

3. Those who inherit as part of Al Ta'sib Bil Ghayr (التعصيب بالغير)
They are the daughter, son's daughter, full sister, and consanguine sister.
4. Those who inherit as part of Al Ta'sib Ma'al Ghayr (التعصيب مع الغير)
They are the daughter, son's daughter, full sister, and consanguine sister.

Al Hajb: Exclusion

Inheritors can be blocked from their share of the inheritance due to the presence of another inheritor blocking the path to their share.

1. A son's son is blocked by the presence of a son
2. A son's daughter is blocked by the presence of a son or two or more daughters and there is no son's son present
3. A paternal grandfather is blocked by the presence of a father
4. A maternal grandmother is blocked by the presence of a mother
5. A paternal grandmother is blocked by the presence of a father or mother
6. A full brother is blocked by the presence of a father or a son or a son's son
7. A consanguine brother is blocked by a father or a son or a son's son or a full brother or a full sister in the situation of Al Ta'sib Ma'al Ghayr (التعصيب مع الغير)
8. A consanguine sister is blocked by a father or a son or a son's son or a full brother or a full sister in the situation of Al Ta'sib Ma'al Ghayr (التعصيب مع الغير) or two or more full sisters on the condition there is no consanguine brother present
9. The mother's children are blocked by a father or a paternal grandfather or a son or a son's son or a daughter or a son's daughter
10. The son of a full brother is blocked by a father or a son or a son's son or a paternal grandfather or a full brother or a consanguine brother or a full sister or a consanguine sister or a full sister in the situation of Al Ta'sib Ma'al Ghayr (التعصيب مع الغير)
11. The son of a consanguine brother is blocked by father or a son or a son's son or a paternal grandfather or a full brother or a consanguine brother or a full sister or a consanguine sister or a full sister in the situation of Al Ta'sib Ma'al Ghayr (التعصيب مع الغير) or the son of a full brother
12. Full paternal uncle is blocked by a father or a son or a son's son or a paternal grandfather or a full brother or a consanguine brother or a full sister or a consanguine sister or a full sister in the situation of Al Ta'sib Ma'al Ghayr (التعصيب مع الغير) or the son of a full brother or the son of a consanguine brother
13. Paternal uncle who shares the same father as the deceased's father is blocked by a father or a son or a son's son or a paternal grandfather or a full brother or a consanguine brother or a full sister or a consanguine sister or a full sister in the situation of Al Ta'sib Ma'al Ghayr (التعصيب مع الغير) or the son of a full brother or the son of a consanguine brother or a full paternal uncle

14. Son of a full paternal uncle is blocked by a father or a son or a son's son or a paternal grandfather or a full brother or a consanguine brother or a full sister or a consanguine sister or a full sister in the situation of Al Ta'sīb Ma'al Ghayr (التعصيب مع الغير) or the son of a full brother or the son of a consanguine brother or a full paternal uncle or a paternal uncle who shares the same father as the deceased's father
15. Son of a paternal uncle who shares the same father as the deceased's father is blocked by a father or a son or a son's son or a paternal grandfather or a full brother or a consanguine brother or a full sister or a consanguine sister or a full sister in the situation of Al Ta'sīb Ma'al Ghayr (التعصيب مع الغير) or the son of a full brother or the son of a consanguine brother or a full paternal uncle or a paternal uncle who shares the same father as the deceased's father or the son of a full paternal uncle
16. Male Mu'tiqah is blocked by a father or a son or a son's son or a paternal grandfather or a full brother or a consanguine brother or a full sister or a consanguine sister or a full sister in the situation of Al Ta'sīb Ma'al Ghayr (التعصيب مع الغير) or the son of a full brother or the son of a consanguine brother or a full paternal uncle or a paternal uncle who shares the same father as the deceased's father or the son of a full paternal uncle or the son of a paternal uncle who shares the same father as the deceased's father
17. Female Mu'tiqah is blocked by a father or a son or a son's son or a paternal grandfather or a full brother or a consanguine brother or a full sister or a consanguine sister or a full sister in the situation of Al Ta'sīb Ma'al Ghayr (التعصيب مع الغير) or the son of a full brother or the son of a consanguine brother or a full paternal uncle or a paternal uncle who shares the same father as the deceased's father or the son of a full paternal uncle or the son of a paternal uncle who shares the same father as the deceased's father.

Note that there is also partial exclusion. This is when an inheritor is blocked from one share but gets another share due to the presence of another inheritor. We've come across examples of this already. For example, the mother. She would get a third if a Far' is not present & there are no multiple siblings. If, however, one of these conditions are not found, she drops from a third to a sixth.

Al Musharrakah

Take a case where a deceased leaves behind a husband, mother, full brother and mother's children. In this case, the husband gets a half as there is no Far' present. The mother gets a sixth due to more than 1 brother/sister present. The mother's children share a third between them. Nothing remains for the full brother. Therefore, the full brother drops and gets nothing. This is the view of the Hanabilah and Ahl Al Ra'y

This case was brought to Umar b. Al Khattab [d. 24AH] and the judgement he gave was as mentioned above. A year later, the same case was brought to him. He wanted to give the same judgement except that it was said to him: "Assume that the father was a donkey – meaning assume he does not exist – do they still not share a mother with the mother's children? To this, Umar retracted that initial judgement and he paired the full brother with the mother's children. This is where the name Al Musharrakah comes from.

The report in Musnad Al Dārimī:

أَخْبَرَنَا أَحْمَدُ بْنُ حَمِيدٍ، حَدَّثَنَا ابْنُ الْمُبَارَكِ، عَنْ مَعْمَرٍ، عَنْ سِمَاكِ بْنِ الْفَضْلِ، عَنْ وَهْبِ بْنِ مُنَبِّهٍ، عَنِ الْحَكَمِ بْنِ مَسْعُودٍ، قَالَ: أَتَيْنَا عُمَرَ، فِي الْمَشْرُكَةِ فَلَمْ يُشْرِكْ، ثُمَّ أَتَيْنَاهُ الْعَامَ الْمُقْبِلَ فَشَرَّكَ، فَقُلْنَا لَهُ، فَقَالَ: تِلْكَ عَلَى مَا قَضَيْنَاهُ، وَهَذِهِ عَلَى مَا قَضَيْنَا

إِسْنَادُهُ جَيِّدٌ

Therefore, the full brother and the mother's children share the third between them equally. This is the view of the Shaafi'iyyah and the Maalikiyyah.

The grandfather and siblings

By grandfather I mean the paternal grandfather i.e. a father's father

By siblings I mean the full brother/sister or consanguine brother/sister.

When they come together in a case, there could be two situations:

1. No other person with a fixed quota/share is present.

In this case, the grandfather is given the better of the two options for him.

What are these options?

- a. A third of the entire estate
- b. Treated as another brother hence sharing with the siblings. This is called Al Muqāsamah

The comparison between these two options brings 3 possibilities:

- i. Al Muqāsamah is better for the grandfather.
- j. Al Muqāsamah and a third of the entire estate are equally as good
- k. Al Muqāsamah is worse for the grandfather

The first possibility happens if the siblings are less than double the grandfather.

It has five forms.

Form 1: Ali died leaving behind a full sister and a grandfather. Treating the grandfather as a brother makes him 2 and the full sister 1 based on the principle **لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ**. Double the grandfather gives 4. $4 < 1$. So, we proceed with Al Muqāsamah as that is better for the grandfather.

Form 2: Ali died leaving behind 2 full sisters and a grandfather. Treating the grandfather as a brother makes him 2 and each full sister is 1 based on the principle **لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ**. Double the grandfather gives 4. $4 < 1+1$. So, we proceed with Al Muqāsamah as that is better for the grandfather.

Form 3: Ali died leaving behind 3 full sisters and a grandfather. Treating the grandfather as a brother makes him 2 and each full sister is 1 based on the principle **لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ**. Double the grandfather gives 4. $4 < 1+1+1$. So, we proceed with Al Muqāsamah as that is better for the grandfather.

Form 4: Ali died leaving behind a full brother and a grandfather. Treating the grandfather as a brother makes him 1 and the full brother 1. Double the grandfather gives 2. $2 < 1$. So, we proceed with Al Muqāsamah as that is better for the grandfather.

Form 5: Ali died leaving behind a full brother, a full sister, and a grandfather. Treating the grandfather as a brother makes him 2, the full brother 2 and the sister 1 based on the principle **لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ**. Double 2 gives 4. $4 < 2+1$. So, we proceed with Al Muqāsamah as that is better for the grandfather.

The second possibility happens if the siblings are the same as double the grandfather.

It has three forms.

Form 1: Ali died leaving behind 2 full brothers and a grandfather. Treating the grandfather as a brother makes him 1 and each full brother 1. Double the grandfather to get 2. $2 = 1+1$. So, Al Muqāsamah gives the grandfather the same share as taking a third of the entire estate.

Form 2: Ali died leaving behind a full brother, 2 full sisters and a grandfather. Treating the grandfather as a brother makes him 2, the full brother 2 and each full sister 1. Double the grandfather to give 4. $4 = 2+1+1$. So, Al Muqāsamah gives the grandfather the same share as taking a third of the entire estate.

Form 3: Ali died leaving behind 4 full sisters and a grandfather. Treating the grandfather as a brother makes him 2 and each full sister 1. Double the grandfather to give. $4 = 1+1+1+1$. So, Al Muqāsamah gives the grandfather the same share as taking a third of the entire estate.

The third possibility happens if the siblings are more than double the grandfather.

It has infinite forms. The minimum form however is this:

Ali died leaving behind 3 full brothers and a grandfather. Treating the grandfather as a brother makes him 1 and each full brother 1. Double the grandfather to give 2. $2 < 1+1+1$. So, Al Muqāsamah gives the grandfather less than taking a third of the entire estate.

2. Persons who get a fixed share are present.

In this case, those with a fixed share take their portion first.

If what remains is less than a sixth, the grandfather takes that remainder, and the siblings are blocked.

If what remains is a sixth or more, the grandfather is given the best of three options:

1. A third of whatever remains from the estate
2. A sixth of the entire estate
3. Al Muqāsamah

Note that if nothing remains after the person with a fixed quota/share is given their share and the grandfather is given what he chooses from those options, the siblings do not get anything.

For example, Ali died and left behind £150, a mother, a full brother, and a grandfather. The mother gets a third so £50. £100 remains. The grandfather has three options to choose from. A third of whatever remains so £33.33 or a sixth of the entire estate so £25 or do Al Muqāsamah where we divide what remains equally, so the grandfather gets £50.

Another example, Fatimah died and left behind £150, a mother, a husband, a grandfather, and a full brother. The husband gets a half so £75. £75 remains. The mother gets a third so £50. £25 remains. The grandfather has three options to choose from. A third of whatever remains so £8.33 or a sixth of the entire estate so £25. If he chooses this, the brother will have nothing to take. The third option is Al Muqāsamah where we divide what remains equally so the grandfather gets £12.50.

Note that if a grandfather and a sister are present, the grandfather is treated as a brother and so the sister inherits as a residuary, with the grandfather getting twice as many shares as the sister. Also note that if a mother was

added to the example, her share does not go down from a third to a sixth despite the grandfather being treated as a brother

For example, Fatimah died and left behind £150, a mother, a husband, a grandfather and a full sister. The husband gets a half, the mother gets a third and the grandfather is treated as a brother and so he shares the remainder with the full sister with him getting twice the shares as the full sister, hence getting £50 whilst she gets £25

Al Akdariyyah

This is a case where a deceased female leaves behind a husband, mother, grandfather, and a full sister (one could replace a full sister with a consanguine sister).

The husband gets a half. The mother gets a third. As there are those who inherit a fixed quota/share present, the grandfather has one of three options:

1. A third of whatever remains from the estate
2. A sixth of the entire estate
3. Al Muqāsamah

The grandfather's share cannot go below a sixth. But see that once the husband takes a half and the mother takes a third, nothing remains except a sixth which the grandfather must take as his share cannot be below a sixth. Therefore, the sister will be left with nothing and so she is dropped. But this is problematic as the sister should not be blocked by a husband, mother or grandfather.

Zayd b. Thabit [d. 45AH] solved this issue and Al Shafi'i took this view as did most Jurists.

Zayd gave the grandfather a sixth and the sister a half. But the issue then becomes an issue of 'Awl [a concept discussed in detail later]. Zayd combined the inheritance of the sister and the grandfather and divided between them using the general rule **لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ**

Thus, the issue is solved as follows:

The husband gets a half, the mother gets a third, the grandfather a sixth and the sister a half. The base number is 6. The husband gets 3 shares. The mother gets 2 shares. The grandfather gets 1 share. The sister gets 3 shares. $3+2+1+3=9$ so the issue is an issue of 'Awl from 6 to 9 with 9 being the new base number.

Combine the shares of the grandfather and sister ($3+1=4$). Compare 4 with the total heads of the sister and grandfather based on the principle **لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ**. This is 1 and 2 respectively which gives 3. 3 and 4 do not share any common divisor besides 1. Take that 3 and multiply with the new base number (9). This gives a new base number of 27. The husband gets 9 shares. The mother gets 6 shares. The grandfather and sister share the remaining 12 shares based on the principle **لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ**. So, the grandfather takes 8 shares, and the sister takes 4 shares.

Note this method of solving will be expanded upon in the next three chapters so don't fret if you do not understand. I advise reading the next three chapters then return to this chapter.

Arithmetic inheritance

The purpose of this is to ensure that we have determined the base number that enables the distribution of the estate among the inheritors in a manner that will cause each inheritor to get their fixed portion (*Sahm*) without a remainder or a decimal

We call this base number *Asl Al Mas'alah*

What is a portion?

A portion is a whole number that represents the segment of the estate that the inheritor receives

For example, Ali died and left behind a wife and a son. The wife gets an eighth as a fixed quota/share and the son gets whatever is left.

To determine the base number in this case, look for the LCM between the denominators of the fixed quota/share. In this case, it is 8. Therefore, 1 portion is given to the wife and the remaining 7 portions go to the son.

Below are some rules that allows to you easily determine the base number.

1. If all the inheritors in the issue are Residuaries and no person who inherits a fixed share is present and they are all males or all females, divide the portions based on how many people they are.

For example, Ali died and left behind 10 sons. In this case, we will have 10 portions and each son will inherit 1 portion.

For example, Ali died and left behind 10 daughters. In this case, we will have 10 portions and each daughter will inherit 1 portion.

2. If all the inheritors in the issue are Residuaries and no person who inherits a fixed quota/share is present and there's a mixture of males and females, divide the portions based on the general rule **لِلذَّكَرِ مِثْلُ مِثْلِ الْأُنثَيَيْنِ**

For example, Ali died and left behind 5 sons and 5 daughters.

The base number is calculated by treating each son as 2 and each daughter as 1. In this case, you have 5 sons with 2 for each so $10 + 5$ daughters with 1 for each so $10+5=15$. Thus, each son gets two-fifteenths, and each daughter gets one-fifteenth

We can divide the fractional shares into two groups based on lowest common multiples.

A half, a fourth and an eighth all share the common multiple 2.

A third, a sixth and two-thirds all share the common multiple 3.

Thus, label the former group 1 and the latter group 2.

3. If there is only one inheritor who inherits a fixed share, no matter which group. In this case, the base number is the denominator of that fixed share.

For example, Ali died and left behind a wife and a son. The wife gets an eighth as a fixed share and the son gets whatever is left.

In this case, the base number is 8. Therefore, 1 portion is given to the wife and the remaining 7 portions go to the son.

		8	Base Number
Wife	$\frac{1}{8}$	1	Portions
Son	R	7	

Fractional/Residuary Shares

Note that R = Residuary

- If there are multiple inheritors some of whom inherit a fixed share that belongs to group 1 entirely or to group 2 entirely [i.e., no mixture]. In this case, the base number will be the highest integer in the denominator.

For example, Ali died and left behind a wife, a daughter, and an uncle. The wife gets an eighth, the daughter a half and the uncle what remains.

In this case, the base number is 8 as the denominator 8 is > than the denominator 2. Therefore, 1 portion is given to the wife, 4 is given to the daughter and 3 to the uncle.

		8
Wife	$\frac{1}{8}$	1
Daughter	$\frac{1}{2}$	4
Uncle	R	3

For example, Ali died and left behind a mother, 2 daughters and an uncle. The mother gets a sixth, the 2 daughters share two-thirds and the uncle what remains.

In this case, the base number is 6 as the denominator 6 is > than the denominator 3 in the fractional shares in this problem. Therefore, 1 portion is given to the mother, 4 to the 2 daughters and 1 to the uncle.

		6
Mother	$\frac{1}{6}$	1
2 Daughters	$\frac{2}{3}$	4
Uncle	R	1

- If there are multiple inheritors, some of whom inherit a fixed quota/share and there is a mix between group 1 and 2.

In this case, the base numbers are determined as follows:

If you have a half mixed with any of the fractions in group 2, the base number is 6.

If you have a fourth mixed with any of the fractions in group 2, the base number is 12.

If you have an eighth mixed with any of the fractions in group 2, the base number is 24.

For example, Fatimah died and left behind a husband, a mom and an uncle. The husband gets a half, the mom gets a third and the uncle what remains.

Since we have a case where a half is mixed with a fraction from group 2, the base number is 6. Thus, the husband gets 3 portions, the mom 2 portions and the uncle 1 portion.

		6
Husband	$\frac{1}{2}$	3
Mother	$\frac{1}{3}$	2
Uncle	R	1

For example, Ali died and left behind a wife, a mom, and an uncle. The wife gets a fourth, the mom gets a third and the uncle gets what remains.

In this case, since we have a fourth with a fraction from group 2, the base number is 12. The wife gets 3 portions, the mom gets 4 and the uncle gets 5.

		12
Wife	$\frac{1}{4}$	3
Mother	$\frac{1}{3}$	4
Uncle	R	5

For example, Ali died and left behind a wife, a grandfather, and a son. The wife gets an eighth, the mom gets a sixth and the son gets what remains.

In this case, since we have an eighth with a fraction from group 2, the base number is 24. The wife gets 3 portions, the mom gets 4 portions, and the son gets 17 portions.

		24
Wife	$\frac{1}{8}$	3
Grandfather	$\frac{1}{6}$	4
Son	R	17

Tashih: Corrections to make numbers add up

Take a case where Fatimah died and left behind a husband, 3 daughters and an uncle. The husband gets a fourth, the daughters share two-thirds, and the uncle gets what remains.

The base number in this case is 12 and so the husband gets 3 portions, the daughters get eight and the uncle gets 1.

		12
Husband	$\frac{1}{4}$	3
3 Daughters	$\frac{2}{3}$	8
Uncle	R	1

However, sharing 8 portions amongst the 3 daughters results in a remainder. So, *Tashih* is performed to ensure that each individual heir gets a portion represented by a whole number.

Note: Since we have calculators today, sharing 8 portions amongst the 3 daughters wouldn't be a problem. But, in the past, this method was used to avoid the use of complex fractions or decimals.

How does this happen?

Take the number of portions and the number of people sharing these portions and see if they:

1. Are multiples of a number beside 1 (*Tawafuq*)
2. Share no common divisor beside 1 (*Tabayun*)

		12
Husband	$\frac{1}{4}$	3
3 Daughters	$\frac{2}{3}$	8
Uncle	R	1

Thus, in our example above, we have 3 daughters and 8 portions. 3 and 8 share no common divisor beside 1.

What we do is multiply the number of daughters by the base number (12×3) to get 36 which is our new base number.

		12	36
Husband	$\frac{1}{4}$	3	
3 Daughters	$\frac{2}{3}$	8	
Uncle	R	1	

We then share this among the inheritors. So, the husband gets 9 portions, the daughters get 24 portions, and the uncle gets 3 portions.

		12	36
Husband	$\frac{1}{4}$	3	9
3 Daughters	$\frac{2}{3}$	8	24
Uncle	R	1	3

24 portions can now be shared easily among the 3 daughters with each daughter getting 8 shares.

What if we add another uncle to the problem?

The husband gets a fourth, the daughters share two-thirds, and the uncles get what remains. The base number in this case is 12 and so the husband gets 3 portions, the daughters get eight and the uncles get 1.

		12
Husband	$\frac{1}{4}$	3
3 Daughters	$\frac{2}{3}$	8
2 Uncles	R	1

However, sharing 8 portions amongst the 3 daughters results in a remainder. As does sharing 1 portion amongst the 2 uncles. So, *Tashih* is performed to ensure that each individual heir gets a portion represented by a whole number.

3 and 8 have no common divisor beside 1. Likewise, 1 and 2 have no common divisor beside 1.

So, we take the number of daughters (3) and the number of uncles (2) and see if they:

1. Are the same (*Tamathul*)
2. The greater number is a multiple of the lesser number (*Tadakhul*)
3. Are multiples of a number beside 1 (*Tawafuq*)
4. Share no common divisor beside 1 (*Tabayun*)

In this case, they share no common divisor. So, we multiply them (3×2) to give 6. We then multiply this six by the base number (12) to get 72 which is the new base number.

We then share this among the inheritors. So, the husband gets 18 portions, the daughters get 48 portions, and the uncles get 6 portions.

		12	72
Husband	$\frac{1}{4}$	3	18
3 Daughters	$\frac{2}{3}$	8	48
2 Uncles	R	1	6

48 portions can be shared easily among the 3 daughters with each one getting 16 portions. Likewise, 6 portions can be shared equally among the 2 uncles with each one getting 3 portions.

Take another case where Fatimah died and left behind a husband and 9 sons. The husband gets a fourth and the sons get what remains. The base number is 4 and so the husband gets 1 portion, and the sons get 3.

		4
Husband	$\frac{1}{4}$	1
9 Sons	R	3

However, sharing 3 portions amongst the 9 sons results in a remainder. So, *Tashih* is needed.

Take the number of portions and the number of people sharing these portions and see if they:

1. Are multiples of a number beside 1 (*Tawafuq*)
2. Share no common divisor beside 1 (*Tabayun*)

In this case, we have the number of portions is 3 and the number of sons is 9. These numbers are multiples of one another with the common multiple being 3.

We take this common multiple (3) and multiply it with the initial base number (4) to get a new base number (12) which we share. The husband gets 3 portions, and the sons get 9 portions.

		4	12
Husband	$\frac{1}{4}$	1	3
9 Sons	R	3	9

3

9 portions can be shared easily among the 9 sons with each son getting 1 portion.

Take a case where Ali died leaving behind 2 wives, 3 full sisters and 4 uncles. The wives get a fourth, the full sisters get two-thirds, and the uncles get what remains. The base number in this case is 12 and so the wives get 3 portions, the full sisters get 8 and the uncles get 1.

		12
2 Wives	$\frac{1}{4}$	3
3 Full Sisters	$\frac{2}{3}$	8
4 Uncles	R	1

But sharing 3 portions between the 2 wives, 8 portions between the 3 full sisters and 1 portion among 4 uncles results in decimals. So, *Tashih* is needed.

The number of portions and the number of people sharing these portions do not share common divisors in all the types (i.e., the wives, full sisters, and uncles)

We take the number of wives (2), the number of full sisters (3) and the number of uncles (4) and see if they:

1. Are the same (*Tamathul*)
2. The greater number is a multiple of the lesser number (*Tadakhul*)
3. Are multiples of a number beside 1 (*Tawafuq*)
4. Share no common divisor beside 1 (*Tabayun*)

In this case, 2 is a multiple of 4 and so can be ignored. We're left with 3 and 4 which share no common divisor. Multiply these numbers to get 12 which we then use to multiply with the initial base number (12) to give a new base number of 144 to share. The wives get 36 portions, the full sisters get 96 and the uncles get 12.

		12	144
2 Wives	$\frac{1}{4}$	3	36
3 Full Sisters	$\frac{2}{3}$	8	96
4 Uncles	R	1	12

36 portions can be shared easily among two wives, each one gets 18 portions.

96 portions can be shared easily among three full sisters, each one gets 32 portions.

12 portions can be shared easily among four uncles, each one gets 3 portions.

Al 'Awl: Reconciliation of proportions

Take a case where Fatimah died leaving behind a husband, a son, and a daughter. The husband gets a fourth whilst the son and daughter are residuary heirs in this case, receiving what remains based on the principle (**لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ**)

The base number is 4. The husband gets 1 portion. The son gets 2 portions. The daughter gets 1 portion.

		4
Husband	$\frac{1}{4}$	1
Son	R	2
Daughter	R	1

This is a *Mas'alah 'Aadilah* since the base number (4) = number of portions (1+2+1=4).

Take a case where Fatimah dies leaving behind a husband and 2 full sisters. The husband gets a half whilst the two full sisters share two-thirds.

The base number is 6. The husband gets 3 portions. The two full sisters share 4 portions.

		6
Husband	$\frac{1}{2}$	3
2 Full Sisters	$\frac{2}{3}$	4

This is a *Mas'alah 'Aa'ilah* since the base number (6) < sum of the portions (3+4=7).

What do we do with a *Mas'alah 'Aa'ilah*?

We apply an adjustment ('Awl) to the base number to make it equal to the sum of portions.

So, in this case, the base number is adjusted from 6 to 7 and the husband gets 3 portions, and the two full sisters share 4 portions.

		6 7
Husband	$\frac{1}{2}$	3
2 Full Sisters	$\frac{2}{3}$	4

Generally, 'Awl can only occur if the initial base number is 6, 12 or 24.

If the initial base number is 6, potential adjustments can be made to 7,8,9 or 10.

If the initial base number is 12, potential adjustments can be made to 13,15 or 17.

If the initial base number is 24, potential adjustments can be made to 27.

Take a case where Fatimah died leaving behind a husband, two full sisters and a mother. The husband gets a half, the two full sisters share two-thirds, and the mother gets a sixth.

The base number is 6. The husband gets 3 portions, the two full sisters share 4 portions, and the mother gets 1 portion.

This is a *Mas'alah 'Aa'ilah* since the base number (6) < sum of the portions (3+4+1=8)

Thus, adjust the base number to make it equal to the sum of the portions, 6 → 8 and the portions remain the same.

		6 8
Husband	$\frac{1}{2}$	3
2 Full Sisters	$\frac{2}{3}$	4
Mother	$\frac{1}{6}$	1

Take a case where Fatimah died leaving behind a husband, two full sisters, a mother, and a uterine brother. The husband gets a half, the two full sisters share two-thirds, the mother gets a sixth and the uterine brother gets a sixth.

The base number is 6. The husband gets 3 portions, the two full sisters share 4 portions, the mother gets 1 portion, and the uterine brother gets 1 portion.

This is a *Mas'alah 'Aa'ilah* since base number (6) < sum of the portions (3+4+1+1=9)

Thus, adjust the base number to make it equal to the sum of the portions, 6 → 9 and the portions remain the same.

		6 9
Husband	$\frac{1}{2}$	3
2 Full Sisters	$\frac{2}{3}$	4
Mother	$\frac{1}{6}$	1
Uterine Brother	$\frac{1}{6}$	1

Take a case where Fatimah died leaving behind a husband, two full sisters, a mother and two uterine brothers. The husband gets a half, the two full sisters share two-thirds, the mother gets a sixth and the uterine brothers share a third.

The base number is 6. The husband gets 3 portions, the two full sisters share 4 portions, the mom gets 1 portion, and the uterine brothers get 2 portions

This is a *Mas'alah 'Aa'ilah* since base number (6) < sum of the portions (3+4+1+2=10)

Thus, adjust the base number to make it equal to the sum of the portions, 6 → 10 and the portions remain the same.

		6 10
Husband	$\frac{1}{2}$	3
2 Full Sisters	$\frac{2}{3}$	4
Mother	$\frac{1}{6}$	1
2 Uterine Brothers	$\frac{1}{6}$	2

Take a case where Ali died leaving behind a wife, two full sisters and a mother. The wife gets a fourth, the two full sisters share two-thirds, and the mother gets a sixth.

The base number is 12. The wife gets 3 portions, the two full sisters share 8 portions, and the mom gets 2 portions.

This is a *Mas'alah 'Aa'ilah* since the base number (12) < sum of the portions (3+8+2=13)

Thus, adjust the base number to make it equal to the sum of the portions, 12 → 13 with the portions remaining the same.

		12 13
Wife	$\frac{1}{4}$	3
2 Full Sisters	$\frac{2}{3}$	8
Mother	$\frac{1}{6}$	2

Take a case where Ali died leaving behind a wife, two full sisters, a mother, and a uterine brother. The wife gets a fourth, the two full sisters share two-thirds, the mother gets a sixth and the uterine brother gets a sixth.

The base number is 12. The wife gets 3 portions, the two full sisters share 8 portions, the mom gets 2 portions and so does the uterine brother

This is a *Mas'alah 'Aa'ilah* since base number (12) < sum of the portions (3+8+2+2=15)

Thus, adjust the base number to make it equal to the sum of the portions, 12 → 15 with the portions remaining the same.

		12 15
Wife	$\frac{1}{4}$	3
2 Full Sisters	$\frac{2}{3}$	8
Mother	$\frac{1}{6}$	2
Uterine Brother	$\frac{1}{6}$	2

Take a case where Ali died leaving behind a wife, two full sisters, a mother, and 2 uterine brothers. The wife gets a fourth, the two full sisters share two-thirds, the mother gets a sixth and the uterine brothers share a third.

The base number is 12. The wife gets 3 portions, the two full sisters share 8 portions, the mom gets 2 portions, and the 2 uterine brothers share 4 portions.

This is a *Mas'alah 'Aa'ilah* since base number (12) < sum of the portions (3+8+2+4=17)

Thus, adjust the base number to make it equal to the sum of the portions, 12 → 17 with the portions remaining the same.

		12 17
Wife	$\frac{1}{4}$	3
2 Full Sisters	$\frac{2}{3}$	8
Mother	$\frac{1}{6}$	2
2 Uterine Brothers	$\frac{1}{6}$	4

Take a case where Ali died leaving behind a wife, two daughters, a mother, and a father. The wife gets an eighth, the two daughters share two-thirds, the mother gets a sixth and the father gets a sixth.

The base number is 24. The wife gets 3 portions, the two daughters share 16 portions, the mom gets 4 portions and so does the father

This is a *Mas'alah 'Aa'ilah* since base number (24) < sum of portions (3+16+4+4=27)

Thus, adjust the base number to make it equal to the sum of the portions, 24 → 27 with the portions remaining the same.

		24 27
Wife	$\frac{1}{8}$	3
2 Daughters	$\frac{2}{3}$	16
Mother	$\frac{1}{6}$	4
Father	$\frac{1}{6}$	4

Al Radd: Returning what has not been distributed

Take a case where Fatimah dies leaving behind a husband and a daughter. The husband gets a fourth whilst the daughter gets a half.

The base number is 4. The husband gets 1 portion. The daughter gets 2 portions.

This is a *Mas'alah Naqisah* since the base number (4) > sum of the portions (1+2=3)

		4
Husband	$\frac{1}{4}$	1
Daughter	$\frac{1}{2}$	2

What do we do with a *Mas'alah Naqisah*?

The problem in the *Mas'alah Naqisah* is that there are no residuary heirs and the fractional shares allotted do not combine to consume the entire estate.

Thus, the remainder is redistributed to the heirs proportional to their entitled allotments.

This is termed *Al Radd* and is the view of the Hanabilah, Ahl Al Ra'y, and a view among the Shafi'iyyah.

We divide the issue into two:

1. Cases where there is no spouse present
2. Cases where there is a spouse present

This is because most jurists said that *Al Radd* is not done to the spouse.

‘Uthman b. ‘Affan, the third caliph, disagreed.

Let's expand upon the first case.

Take the case where Ali died leaving behind just a daughter. The daughter gets a half. The base number is 2. The daughter gets 1 portion. This is a *Mas'alah Naqisah*.

What do we do?

Since there is just one type of inheritor and only one individual in that type, the base number will be changed to the daughter's initial allotment. So, the new base number in this case will be 1. The daughter gets 1 portion.

		2 1
Daughter	$\frac{1}{2}$	1

Take the case where Ali died leaving behind three daughters. The daughters get two-thirds. The base number is 3. The daughters get 2 portions. This is a *Mas'alah Naqisah*.

What do we do?

Since there is just one type of inheritor but multiple individuals within that type, we change the base number to the number of individuals inheriting. So, the new base number in this case will be 3. Each daughter receives 1 portion.

		3 3
3 Daughters	$\frac{1}{2}$	3

Take the case where Ali died leaving behind a daughter and son's daughter. The daughter gets a half and the son's daughter a sixth. The base number is 6. The daughter gets 3 portions. The son's daughter gets 1 portion. This is a *Mas'alah Naqisah*.

What do we do?

Since there are multiple types of inheritors, we change the base number to the sum of the initial portions. So, in this case, the base number becomes (3+1=4). The daughter gets 3 portions and the son's daughter gets 1 portion.

		6 4
Daughter	$\frac{1}{2}$	3
Son's Daughter	$\frac{1}{6}$	1

Take the case where Ali died leaving behind three full sisters and a mother. The three sisters share two-thirds, and the mother gets a sixth. The base number is 6. The sisters get 4 portions, and the mother gets 1 portion. This is a *Mas'alah Naqisah*.

What do we do?

Since there are multiple types of inheritors, we change the base number to the sum of the initial portions. So, in this case, the base number becomes (4+1=5). The three sisters get 4 portions, and the mother gets 1 portion.

But this requires *Tashih* as 3 and 4 share no common divisor except 1. So, we multiply the number of sisters (3) by the initial base number (5) to give the new base number (15). The sisters now get 12 portions (4 for each sister) and the mother gets 3 portions.

		6 5	15
3 Full Sisters	$\frac{2}{3}$	4	12
Mother	$\frac{1}{6}$	1	3

Let's now expand upon the second case.

Take the case where Fatimah died leaving behind a husband and a daughter. The husband gets a fourth and the daughter gets a half. The base number is 4. The husband gets 1 portion whilst the daughter gets 2. This is a *Mas'alah Naqisah*.

What do we do?

Since we have a spouse in the case problem and just one other type of inheritor with just one individual in that type, we only return the remainder to that other type. So, the remaining portion is given to the daughter. She therefore gets (2+1=3) portions.

		4
Husband	$\frac{1}{4}$	1
Daughter	$\frac{1}{2}$	2+1

Take the case where Fatimah died leaving behind a husband and two daughters. The husband gets a fourth and the daughters share two-thirds. The base number is 12. The husband gets 3 portions whilst the daughters get 8 portions. This is a *Mas'alah Naqisah*.

What do we do?

Since we have a spouse in the case problem and one other type of inheritor with multiple individuals in that type, we only return the remainder to that other type and then do *Tashih*. So, the remaining portion is given to the daughters. They, therefore, get (8+1=9) portions.

Tashih is then done. Compare 2 to 9 and they have *Tabayun*. Find the new base number as (12*2=24) and so the husband gets 6 portions, and the daughters share 18 portions (each daughter gets 9 portions).

		4
Husband	$\frac{1}{4}$	1
2 Daughters	$\frac{2}{3}$	2

Take the case where Ali died leaving behind a wife, a daughter, and a mother. The wife gets an eighth. The daughter gets a half. The mother gets a sixth.

We would expect the base number to be 24. The wife gets 3 portions, the daughter gets 12 portions, and the mother gets 4 portions. Doing this will make us see that it is a *Mas'alah Naqisah* hence *Radd* is needed.

Since we have multiple types of inheritors + the presence of a spouse, we take the denominator of the spouse's allotted share and make it the base number. In this case, it is 8. The wife gets 1 portion and the daughter + mother will get a combined 7 portions.

		8
Wife	$\frac{1}{8}$	1
Daughter	$\frac{1}{2}$	7
Mother	$\frac{1}{6}$	

We then look at the individuals who can receive the *Radd* and their allotted shares to find a base number. In this case, the base number is 6. The daughter gets 3 portions, and the mother gets 1 portion.

The base number (6) > the sum of the portions (3+1=4), so we adjust the base number to 4, which is the base number of the *Radd*.

		8	6 4
Wife	$\frac{1}{8}$	1	
Daughter	$\frac{1}{2}$	7	3
Mother	$\frac{1}{6}$		1

We then compare the base number of the *Radd* (4) with the combined portions of those who will receive the *Radd* (7) to see if they are:

1. Are multiples of a number beside 1 (*Tawafuq*)
2. Share no common divisor beside 1 (*Tabayun*)

In this case, they share no common divisor beside 1.

What do we do?

We multiply the base number of the *Radd* (4) with the initial base number that includes the spouse (8) to get a combined base number of 32.

To get the portion of the wife, multiply her initial portion (1) with the base number of the Radd (4). Thus, she gets 4 portions.

To get the portion of the daughter, multiply the combined portion of those who receive the Radd (7) with her portion calculated when only those receiving the Radd were considered (3). Thus, she gets 21 portions.

To get the portion of the daughter, multiply the combined portion of those who receive the Radd (7) with her portion calculated when only those receiving the Radd were considered (1). Thus, she gets 7 portions.

		8	6 4	32
Wife	$\frac{1}{8}$	1		4
Daughter	$\frac{1}{2}$		3	21
Mother	$\frac{1}{6}$	7	1	7

$7+21+4=32$ and so we have allotted everyone their share factoring in the Radd.

Take the case where Ali died leaving behind a wife, a mother and 3 uterine brothers. The wife gets a fourth. The mother gets a sixth and the uterine brothers share a third.

We can't make the base number 12 since it'll show that Radd is needed.

So, the base number becomes the denominator of the spouse's allotted share, which is 4. The wife gets 1 portion and the combined portion between the mother and the uterine brothers is 3.

		4
Wife	$\frac{1}{4}$	1
Mother	$\frac{1}{2}$	3
3 Uterine brothers	$\frac{1}{3}$	

We then look at the individuals who can receive the Radd and their allotted shares to find a base number. In this case, the base number is 6. The mother gets 1 portion, and the uterine brothers get 2 portions.

The base number (6) > the sum of the portions (2+1=3), so we adjust the base number to 3, which becomes the base number of the Radd.

		4	6 3
Wife	$\frac{1}{4}$	1	
Mother	$\frac{1}{2}$		1

3 Uterine brothers	$\frac{1}{3}$	3	2
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Tashih is also needed here since we cannot divide 2 portions into 3 uterine brothers without decimals. Since 2 and 3 share no common divisor besides 1, we take the 3 and multiply it by the base number of the Radd (3). This gives 9 which is the new base number of the Radd. means that the mother gets 3 portions, and the uterine brothers get 6 portions. 6 portions can be shared easily between the 3 uterine brothers (each one gets 2 portions).

		4	6 3	9
Wife	$\frac{1}{4}$	1		
Mother	$\frac{1}{2}$	3	1	3
3 Uterine brothers	$\frac{1}{3}$		2	6

We then compare this base number of the Radd (9) with the combined portions of those who will receive the Radd (3) to see if they are:

1. Are multiples of a number beside 1 (*Tawafuq*)
2. Share no common divisor beside 1 (*Tabayun*)

In this case, they are multiples of a number besides 1. The Wifq of the base number of the Radd is 3. The Wifq of the combined portions who will receive the Radd is 1.

We multiply the Wifq of the base number of the Radd (3) with the initial base number that included the spouse (4) to get a combined base number of 12.

To get the portion of the wife, multiply her initial portion (1) with the Wifq of the base number of the Radd (3). Thus, she gets 3 portions.

To get the portion of the mother, multiply the Wifq of the combined portions of those who receive the Radd (1) with her portion calculated when only those receiving the Radd were considered (3). Thus, she gets 3 portions.

To get the portion of the uterine brothers, multiply the Wifq of the combined portions of those who receive the Radd (1) with her portion calculated when only those receiving the Radd were considered (6). Thus, they get 6 portions.

		4 3	6 3	9 1	12
Wife	$\frac{1}{4}$	1			3
Mother	$\frac{1}{2}$	3	1	3	3
3 Uterine brothers	$\frac{1}{3}$		2	6	6

$6+3+3=12$ and so we have allotted everyone their share, factoring in the Radd.

Pregnancies

What if Ali died leaving behind a wife pregnant with his child and an uncle?

We need to factor in this fetus in the inheritance calculation, especially if the inheritors want the inheritance divided before the birth of this fetus.

Now the fetus may have three general possibilities:

1. It dies through miscarriage or stillbirth
2. It is born alive and is a male
3. It is born alive and is a female

We need to consider each possibility.

Take the case where Ali died leaving behind a wife pregnant with his child and an uncle.

Look at the first possibility: The fetus dies through miscarriage or stillbirth.

In this case, the wife gets a fourth and the uncle inherits what remains and the fetus gets nothing as it died.

The base number will be 4. The wife gets 1 portion. The uncle gets 3 portions.

		4
Wife	$\frac{1}{4}$	1
Uncle	R	3
Fetus (D)	—	—

Look at the second possibility. The fetus is a boy.

In this case, the wife gets an eighth and the fetus (which is a boy) gets the remainder as he blocks the uncle. The uncle gets nothing

The base number will be 8. The wife gets 1 portion. The son gets 7 portions.

		8
Wife	$\frac{1}{8}$	1
Fetus (M)	<i>R</i>	7
Uncle	—	—

Look at the third possibility. The fetus is a girl.

In this case, the wife gets an eighth, the fetus (which is a girl) gets a half, and the uncle inherits what remains.

The base number will be 8. The wife gets 1 portion. The daughter gets 4 portions. The uncle gets 3 portions.

		8
Wife	$\frac{1}{8}$	1
Fetus (F)	$\frac{1}{2}$	4
Uncle	<i>R</i>	3

Note if the fetus is twinS, be it all male or all female or mixed, the same methods mentioned above apply although *Tashih* will come into play. I have gathered them in this table.

		4		8		8		8	16		24		8	24
Wife	$\frac{1}{4}$	1	$\frac{1}{8}$	1	$\frac{1}{8}$	1	$\frac{1}{8}$	1	2	$\frac{1}{8}$	3	$\frac{1}{8}$	1	3
Uncle	<i>R</i>	3	—	—	<i>R</i>	3	—	—		<i>R</i>	5	—	—	
Fetus	—	—	<i>R</i>	7	$\frac{1}{2}$	4	<i>R</i>	7	14	$\frac{2}{3}$	16	<i>R</i>	7	21
State of Fetus	D		M		F		MM			FF		MF		

The Indeterminate Hermaphrodite

Sometimes, a person may not have an established gender and it may be unclear as to what gender is given precedence as it is unclear which gender category this person falls into and perhaps it may never become clear as to which gender category they fall into.

We call this type *Al Khuntha Al Mushkil* (the indeterminate hermaphrodite).

Note that this type is usually only found as a child, sibling, or uncle of the dead person in cases of inheritance. Also, sometimes, being an indeterminate hermaphrodite may not have an impact, whichever gender it is, since gender does not influence specific cases.

Let's say, for example, Ali died leaving behind a mother, two full brothers and a uterine indeterminate hermaphrodite sibling. The uterine indeterminate hermaphrodite will get a sixth, no matter what gender it is. The mother gets a sixth as normal and the two full brothers get what remains.

But what if the inheritance of the indeterminate hermaphrodite is linked to their gender status i.e., their share or the share of others may change depending on their gender. The jurists differed on how to deal with this type.

These differences fall, generally, into three camps:

1. Al Shafi'iyah: The hermaphrodite is treated as possibly male and possibly female. The shares, factoring in each possibility, are calculated. Then, treat each inheritor with its worst-case scenario. Whatever share that remains is then withheld until the hermaphrodite's gender becomes clear or the inheritors come to some sort of agreement.

Let's say Ali died leaving behind a son and a child who is an indeterminate hermaphrodite.

In this case, treat the indeterminate hermaphrodite as a daughter and calculate the shares. The base number is 3. The son gets two shares (i.e., two-thirds) and the hermaphrodite, a daughter in this case, gets 1 share (i.e., a third).

Also, treat the indeterminate hermaphrodite as a son and calculate the shares. The base number is 2. The two sons, in this case, share 1 portion each (i.e., each get a half).

Compare between the base numbers in both cases (3 and 2). They do not share a common divisor. Multiply them together to get 6 and share this based on each inheritors worst-case scenario. Thus, the hermaphrodite will get 2 shares as a third is its worst-case scenario and the son will get 3 shares as a half is his worst-case scenario.

The remaining 1 share is withheld until the hermaphrodite's gender is established or the inheritors come to some sort of compromise.

2. Ahl Al Ra'y except for Abu Yusuf: The hermaphrodite is treated as possibly male and possibly female. The shares, factoring in each possibility, are calculated and the lesser share is taken and distributed.

Let's say Ali died leaving behind a son, daughter, and a child who is a problematic hermaphrodite.

In this case, treat the problematic hermaphrodite as a daughter and calculate the shares. The base number is 4. The son gets two shares, the daughter gets 1 share and the problematic hermaphrodite, a daughter in this case, gets 1 share.

Also, treat the problematic hermaphrodite as a son and calculate the shares. The base number is 5. The son gets 2 shares, and the daughter gets 1 share and the problematic hermaphrodite, a son in this case, also gets 2 shares.

As a daughter, the problematic hermaphrodite gets a fourth. As a son, it gets two-fifths. Thus, he is treated as a daughter and gets a fourth since it is the lesser share.

3. Al Malikiyyah & Abu Yusuf: The hermaphrodite will get half its share as a male and half its share as a female and this is applied across the inheritors.

Let's say Fatimah died leaving behind a husband, a father, and an indeterminate hermaphrodite child.

Treat the indeterminate hermaphrodite as a daughter and calculate the shares. The husband gets a fourth. The father gets a sixth and the hermaphrodite gets a half. The base number is 12. The husband gets 3 shares. The father gets 2 shares, and the hermaphrodite gets 6 shares. 1 share remains and so is given to the father as residuary hence the father has 3 shares.

Treat the indeterminate hermaphrodite as a son and calculate the shares. The husband gets a fourth. The father gets a sixth. The hermaphrodite gets what remains. The base number is 12. The husband gets 3 shares. The father gets 2 shares. The hermaphrodite gets 7 shares.

Compare the base numbers. Both are 12. Find the lowest common multiple which is 2 and multiply it by 12. This gives a base number of 24. Take that lowest common multiple and multiply it by each of the portions found when considering the hermaphrodite as a son and as a daughter.

As a son: The husband gets 6 shares. The father gets 4 shares. The hermaphrodite gets 14 shares.

As a daughter: The husband gets 6 shares. The father gets 6 shares. The hermaphrodite gets 12 shares.

Add these two up and halve. The husband gets 6 shares. The father gets 5 shares. The hermaphrodite gets 13 shares. This equals the base number of 24 ($5+6+13=24$).

4. Hanabilah: Divide the hermaphrodite into two groups.
 - a. There is hope that its gender can be clarified. For this, they apply the method of the Shafi'iyyah
 - b. There is no hope that its gender can be clarified. For this, they apply the method of the Malikiyyah

Al Mafqud: The Missing Person

Suppose one of the inheritors of Ali goes missing and we now don't know whether this inheritor is alive or dead. How do we divide Ali's estate with this in mind?

We take two possibilities:

1. The possibility that this inheritor is alive
2. The possibility that this inheritor is dead

Let's say Ali died leaving behind a wife, a full brother and a son who is missing.

Assume the first possibility: The wife gets an eighth. The son gets the remaining and the full brother is blocked. The base number is 8. The wife gets 1 share. The son gets 7 shares.

Assume the second possibility: The wife gets a fourth. The full brother gets the remaining and the son is dead so does not inherit. The base number is 4. The wife gets 1 share. The full brother gets 3 shares.

Compare the base numbers. 4 is a multiple of 8. So, take the larger number and make it the combined base number (8). Divide this combined base number with each individual base number from each possibility ($8/8=1$ and $8/4=2$) and multiply these values with the shares from each possibility.

The first possibility: The wife gets 1 share. The son gets 7 shares. The full brother is blocked.

The second possibility: The wife gets 2 shares. The full brother gets 6 shares. The son is blocked.

Write out the worst-case scenario for each inheritor between these possibilities.

So, the wife gets 1 share, as that is her worst-case. The son gets 0 shares, and the full brother gets 0 shares.

The remaining 7 shares are withheld until the missing situation of the son is resolved.

Al Munasakhat: Multiple Deaths simultaneously

What happens if someone who was supposed to inherit from the deceased dies before the inheritance is distributed?

His share will be transferred to the other inheritors.

However, there are three scenarios to consider.

Scenario 1: Ali dies leaving behind 8 sons. 4 of these sons then die before the inheritance is distributed among them.

What do we do?

In this scenario, the sons that are alive are inheritors for Ali and are also inheritors for the sons that died (they inherit as brothers to them). Thus, we treat the inheritance of Ali as though he just left behind the 4 sons that are alive and we completely ignore the sons that died. Thus, the base number will be 4. Each son gets 1 share.

Another case: Ali dies, leaving behind a father, 3 sons and 2 daughters. Before the inheritance is distributed, the father, 2 sons and a daughter die.

What do we do?

In this scenario, the ones that are alive are inheritors for Ali and for those that died. We treat the inheritance of Ali as though he just left behind a son and a daughter and ignore those that died. Thus, the base number will be 3. The son gets 2 shares. The daughter gets 1 share.

Scenario 2: Ali died leaving behind a wife, a full sister, and an uncle. Before the inheritance was distributed, the uncle died leaving behind a son and a daughter.

In this scenario, the son and daughter of the uncle of Ali are not inheritors of Ali but are inheritors of the uncle of Ali. Likewise, Ali's wife and full sister do not inherit from the uncle of Ali.

What to do?

First, deal with the first issue of Ali dying. The wife gets a fourth. The full sister gets a half. The uncle gets what remains. The base number is 4. The wife gets 1 share. The full sister gets 2 shares. The uncle gets 1 share.

Then, deal with the second issue of the uncle dying. The son and daughter are residuary heirs based on the principle **لِلذَّكَرِ مِثْلُ مِثْلِ الْأُنثَيَيْنِ**. The base number is 3. The son gets 2 shares. The daughter gets 1 share.

Compare the base number for the uncle dying (3) with the share the uncle got when Ali died (1).

They share no common divisor, so we affirm the base number for the uncle dying (3).

We take this 3 and multiply it with the base number for Ali dying (4). This gives a combined base number of 12.

We also multiply this 3 with the shares calculated for the inheritors of Ali. So, the wife gets 3 shares. The full sisters get 6 shares. The uncle gets 3 shares.

But since the uncle is dead, we take those 3 shares and divide it with the base number for the uncle dying (3) to give 1. We multiply this 1 with the shares calculated for the inheritors of the uncle. So, the son gets 2 shares, and the daughter gets 1 share.

$3+6+2+1=12$ which is equal to the combined base number (12).

Another case: Ali died leaving behind a wife, a full sister, and an uncle. Before the inheritance was distributed, the full sister died leaving behind a husband, a son, and a daughter.

First, deal with the issue of Ali dying. The wife gets a fourth. The full sister gets a half. The uncle gets the remainder. The base number is 4. The wife gets 1 share. The full sister gets 2 shares. The uncle gets 1 share.

Then, deal with the issue of the full sister dying. The husband gets a fourth. The son and daughter share the remainder based on the principle *لِلذَّكَرِ مِثْلُ مِثْلِ الْإُنْثَى*. The base number is 4. The husband gets 1 share. The son gets 2 shares. The daughter gets 1 share.

Compare the base number for the full sister dying (4) with the share the full sister got when Ali died (2). They share a common divisor (2) so the *Wifq* of 4 is 2 and the *Wifq* of 2 is 1.

We affirm the *Wifq* of the base number for the full sister dying (2) and multiply it with the base number for Ali dying (4) to give a combined base number of 8.

We also multiply this 2 with the shares calculated for the inheritors of Ali. The wife gets 2 shares. The full sister gets 4 shares. The uncle gets 2 shares.

But since the full sister is dead, we take those 4 shares and divide it with the base number for the full sister dying (4) to give 1. We multiply this 1 with the shares calculated for the inheritors of the full sister. So, the husband gets 1 share. The son gets 2 shares. The daughter gets 1 share.

$2+2+1+2+1=8$ which is equal to the combined base number (8).

Scenario 3: Ali died leaving behind a wife and 2 sons. The first son died before the inheritance was distributed leaving behind a daughter.

In this scenario, the inheritors of Ali will become a new type of inheritor when the first son dies and so will inherit as two types of people.

First, deal with the issue of Ali dying. The wife gets an eighth. The sons share what remains equally. The base number is 8. The wife gets 1 share. The sons share 7 shares. *Tashih* is needed. 2 and 7 share no common divisor. The new base number is 16. The wife gets 2 shares. The sons share 14 shares (each son with 7 shares).

Second, deal with the issue of the first son dying. The wife of Ali now becomes the mother of the first son and so gets a sixth. The daughter of the son gets a half. The son of Ali now becomes the brother of Ali and gets what remains. The base number is 6. The mother gets 1 share. The daughter gets 3 shares. The son gets 2 shares.

Compare the base number for the first son dying (6) with the share the first son got when Ali died (7). They do not share a common divisor so affirm the base number for the first son dying (6).

Take this 6 and multiply it with the base number when Ali was dying after *Tashih* (16) to give a combined base number of 96.

Take this 6 and multiply it with the shares given to the inheritors of Ali when he died post *Tashih*. The wife gets 12 shares. The sons get 42 shares each.

But since the first son is dead, we take those 42 shares and divide it with the base number for the first son dying (6) to give 7. We multiply this 7 with the shares that those inheriting from the first son got. The mother gets 7 shares. The daughter gets 21 shares. The brother gets 14 shares.

In total: $(12+7) + (42+14) + (21) = 96$ which is equal to the combined base number.

Note that there are other scenarios that factor in multiple deaths of inheritors of the initial deceased. The same methods outlined above apply. However, you will have to repeat the process for each death. This may cause confusion, so I have outlined an example in accordance with scenario 3.

Take the case of Fatimah dying leaving behind a husband, a daughter, and a son. The daughter of Fatimah dies before the inheritance is distributed leaving behind a husband and a son. The son of Fatimah also dies before the inheritance is distributed leaving behind a wife and a son.

Start with Fatimah dying. The husband gets a fourth and the daughter and son share the remainder. The base number is 4. The husband gets 1 share. The son gets 2 shares. The daughter gets 1 share.

Now move onto the daughter dying. Her husband gets a fourth. Fatimah's husband is now the father and so gets a sixth. Fatimah's son is now the full brother but is blocked by the presence of the son who gets what remains. The base number is 12. The husband gets 3 shares. The father gets 2 shares. The son gets 7 shares.

Now move onto the son dying. His wife gets an eighth. The father gets a sixth. The son gets what remains. The base number is 24. The wife gets 3 shares. The father gets 4 shares. The son gets 17 shares.

Compare the base number for the daughter dying (12) with the share the daughter got when Fatimah died (1). They do not share a common divisor, so we affirm 12.

Compare the base number for the son dying (24) with the share the son got when Fatimah died (2). They do share a common divisor (2), so we affirm the Wifq of 24 which is 12.

Compare the two affirmed values (12 and 12) and we see they are the same. Drop one and take the other, multiplying it with the base number when Fatimah was dying (4). This gives a combined base number of 48.

Likewise, take the 12 and multiply it through each of the shares given to the inheritors of Fatimah. The husband gets 12 shares. The daughter gets 12 shares. The son gets 24 shares.

But since the daughter has died, take her 12 shares and divide it with the base number for the daughter dying (12) which gives 1. Multiply this 1 with the shares given to the inheritors of this daughter. Fatimah's husband, now the father, gets 2 shares. Fatimah's son, now the brother, gets nothing as he is blocked by the daughter's son. This daughter's son gets 7 shares. The daughter's husband gets 3 shares.

Also since the son has died, take his 24 shares and divide it with the base number for the son dying (24) which gives 1. Multiply this 1 with the shares given to the inheritors of the son. Fatimah's husband, now the father, gets 4 shares. The wife gets 3 shares. The son gets 17 shares.

In total: $(12+2+4) + 7 + 3 + 3 + 17 = 48$ which is equal to the combined base number.

Killed by Drowning or falling Debris

What if we have a case where a man and his wife died together through drowning at sea, and we don't know which of them died first.

Do they inherit from each other?

According to the majority of Fiqh schools (Shafi'iyyah, Malikiyyah and Ahl Al Ra'y), no. But according to the Hanabilah, yes.

Let's say we have Ali and his wife Fatimah dying together by means of drowning at sea and we don't know which of them died first. Ali leaves behind a daughter, a mother, and an uncle. Fatimah leaves behind the same daughter, two uterine sisters, and an uncle.

The majority deal with each person separately.

Ali's daughter gets a half. His mother gets a sixth. His uncle gets what remains. The base number is 6. The daughter gets 3 shares, the mother gets 1 share, and the uncle gets 2 shares.

Fatimah's daughter gets a half. The two uterine sisters do not inherit, and the uncle gets what remains. The base number is 2. The daughter gets 1 share. The uncle gets 1 share.

The Hanabilah deal with this by considering two possibilities:

1. That Ali died first
2. That Fatimah died first

In the case of Ali dying first, he leaves behind a wife, a daughter, a mother, and an uncle. The wife gets an eighth. The daughter gets a half. The mother gets a sixth. The uncle gets what remains. The base number is 24. The wife gets 3 shares. The daughter gets 12 shares. The mother gets 4 shares. The uncle gets 5 shares.

Then, the wife dies. She leaves behind the same daughter, two uterine sisters and an uncle. The daughter gets a half. The uterine sisters are blocked, and the uncle gets what remains. The base number is 2. The daughter gets 1 share, and the uncle gets 1 share.

Now, we need to find the combined base number. Compare the base number found after the wife died (2) and compare it to the share the wife got when Ali died (3).

They have no common divisor, so we keep the (2) and multiply it with the initial base number when considering Ali (24). This gives the combined base number of 48. We also multiply the 2 with the shares found when the base number was 24. This gives the daughter 24 shares, the mother 8 shares and the uncle 10 shares.

We also take the wife's initial shares (3) and multiply that with the shares her inheritors got. The daughter gets 3 shares, and the uncle gets 3 shares.

Thus, in total: The daughter has $(24+3=27)$ shares, the mother has 8 shares, the uncle has $(10+3=13)$ shares. $27+13+8=48$ which is equal to the combined base number.

In the case of Fatimah dying first, she leaves behind the husband, a daughter, two uterine sisters, and an uncle. Her husband gets a fourth. The daughter gets a half. The sisters are blocked, and the uncle gets what remains. The base number is 4. The husband gets 1 share. The daughter gets 2 shares. The uncle gets 1 share.

Then, the husband dies. He leaves behind the same daughter, a mother, and an uncle. The daughter gets a half. The mother gets a sixth. The uncle gets what remains. The base number is 6. The daughter gets 3 shares. The mother gets 1 share. The uncle gets 2 shares.

Now, we need to find the combined base number. Compare the base number found after the husband died (6) and compare it to the share the husband got when Fatimah died (1).

They have no common divisor, so we keep the (6) and multiply it with the initial base number when considering Fatimah dying first (4). This gives the combined base number of 24.

We also multiply the 6 with the shares found when the base number was 4. This gives the husband 6 shares, the daughter 12 shares and the uncle 6 shares.

We also take the husband's initial shares (1) and multiply that with the shares his inheritors got. The daughter gets 3 shares, the mother gets 1 share, and the uncle gets 2 shares.

Thus, in total: The daughter has $(12+3=15)$ shares, the mother has 1 share, the uncle has $(6+2=8)$ shares.

$15+1+8=24$ which is equal to the combined base number.

Dhawul Arhaam

If someone who inherits by way of fractional or residual share is not found, except for a spouse, someone from the Dhawul Arhaam could inherit.

Dhawul Arhaam are those relatives who do not inherit via fractional or residual shares. For example, a maternal uncle.

How do they inherit?

They inherit via a method known as *Tanzil* where essentially the Dhawul Arhaam are risen to the closest relative that can be placed under the category of inheriting by fractional allotments (Ashab Fardh) or residual (Ashab 'Asabah). This is the method preferred by most jurists.

Note that the maternal uncles/aunts are risen to the position of the mother and the paternal uncles/aunts are risen to the position of the father.

Let's take a case where Ali died leaving behind a daughter's daughter and a maternal aunt.

The daughter's daughter is risen to the position of a daughter. The maternal aunt is risen to the position of a mother.

Thus, the daughter's daughter gets a half. The maternal aunt gets a sixth. The base number is 6. The daughter's daughter gets 3 shares. The maternal aunt gets 1 share. Al Radd is needed so adjust the base number from 6 to 4.

Dividing the Estate

We divide the estate using the following formula:

$$x = \frac{\text{The Estate} \times \text{The Shares}}{\text{The base number}}$$

Say Ali died leaving behind a wife, a daughter, and a full sister. The valuation of his estate is £1500.

The wife gets an eighth, the daughter gets a half, and the full sister inherits what remains. The base number is 8. The wife gets 1 share. The daughter gets 4 shares. The full sister gets 3 shares.

The wife's inheritance will be:

$$\frac{£1500 \times 1}{8}$$

The daughter's inheritance will be:

$$\frac{£1500 \times 4}{8}$$

The full sister's inheritance will be:

$$\frac{£1500 \times 3}{8}$$

That is £187.50, £750, and £562.50 respectively.

Dealing with a Will

The deceased may leave behind a will that mentions a specific person getting a share of the inheritance. These issues are usually discussed in a separate chapter. The main rule is that this share cannot go beyond a third as mentioned before.

Let's take a case where Ali died leaving behind a grandmother, son, daughter, and the neighbor Mahmoud who Ali says in his will that he must get the same share as the son.

How to do this?

First, ignore Mahmoud and answer the problem normally.

The grandmother gets a sixth. The son and daughter share the remainder. The base number is 6. The grandmother gets 1 portion. The son and daughter share the 5 based on the principle *للذكر مثل حظ الأنثيين*. *Tashih* is required. The new base number is 18. The grandmother gets 3 portions. The son and daughter share the remaining 15 portions. The son gets 10 portions. The daughter gets 5 portions.

Now, incorporate Mahmoud. Mahmoud will get 10 portions. Adjust the base number from 18 to 28.

But 10 portions from 28 is bigger than the maximum third allowed.

How to solve this problem?

If the other inheritors allow Mahmoud to get that portion, it will be allowed.

If not, it must be reduced to a third.

Take the denominator of a third (3) and make it the base number. Mahmoud will get 1 portion. The remaining 2 portions will be shared among the inheritors.

Compare the base number after *Tashih* was done (18) to the remaining (2) portions. There is *Tawafuq* with the *Wifq* of 18 being 9 and the *Wifq* of 2 being 1.

Multiply the 9 with the base number when considering Mahmoud alone (3) to give the combined base number of 27. Multiply the 9 with the portion calculated for Mahmoud only (1). So, Mahmoud gets 9 shares.

Multiply the 1 with the portions calculated for the inheritors excluding Mahmoud (3, 10 & 5 respectively). So, the grandmother gets 3 portions. The son gets 10 portions. The daughter gets 5 portions.

$3+10+5+9=27$ which is equal to the combined base number of 27. And 9 shares from 27 is equal to a third.

Note if the deceased decrees a share for multiple individuals or decrees a specific fraction for them, the method employed above still applies.

Let's take a case where Fatimah died leaving behind a wife, a mother, a son and Mahmoud & Aishah who she wants both to get an eighth.

First, ignore Mahmoud and Aishah and answer the problem normally.

The husband gets a fourth. The mother gets a sixth. The son gets what remains. The base number is 12. The husband gets 3 portions. The mother gets 2 portions. The son gets 7 portions.

Now consider Mahmoud and Aishah. They both get an eighth so the base number will be 8 as comparing the two denominators (8 and 8 shows *Tamathul*). They each get 1 portion with 6 portions remaining to be divided among the inheritors.

Compare this 6 to the base number of the inheritors (12). They have *Tawafuq* with the *Wifq* of 6 being 1 and the *Wifq* of 12 being 2. Take the 2 and multiply it by the base number for Mahmoud and Aishah alone (8) to give a combined base number of 16. Multiply the 2 with the portions calculated for Mahmoud and Aishah. Mahmoud and Aishah both get 2 portions.

Multiply the 1 with the portions calculated for the inheritors. The husband gets 3 portions. The mother gets 2 portions. The son gets 7 portions.

$(2+2+3+2+7) = 16$ which is equal to the combined base number.

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